GOVERNMENT OF INDIA
HUMAN RESOURCE DEVELOPMENT
LOK SABHA

UNSTARRED QUESTION NO:2407
ANSWERED ON:19.03.2002
SEXUAL HARASSMENT AGAINST WOMEN AT WORK PLACES
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Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether it is a fact that nearly five years back the Supreme Court made it compulsory for all employers to set up a complaint cell to deal with sexual harassment against women at the work places;

(b) if so, whether it is also a fact that a survey conducted by NGOs revealed that actual implementation ofapex court ruling is merely 9% as reported in the 'Hindustan Times' dated December 11, 2001, captioned "Sexual harassment at work place continue"; and

(c) if so, the steps taken or being taken by the Government to implement the rulings of the Supreme Court?

Answer

MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI SUMITRA MAHAJAN)

(a) Yes, Sir. The Hon'ble Supreme Court, in its judgement dated13.8.97, in the matter of Visakha Vs. State of Rajasthan laid down guidelines and norms to prevent sexual harassment for women at work place. These guidelines, inter alia, stipulate setting up of a Complaint Committee as a part of complaint mechanism to redress the complaint made by the victim.

(b) As per preliminary assessment made by the National Commission for Women (NCW), some offices, organisations etc. areyet to constitute the complaints committee. Further, some of the complaints committees do not have 50% representation of women and are not headed by a woman. Some of them do not have third part (NGO) representation.They have also found that the members of complaints committees are not familiar with procedures etc.

(c) The Government has taken a number of initiatives to give effect to the guidelines laid down by the Supreme Court, which have the force of law under Article 141 of the Constitution of India. These include:

• The Government have requested all the Central Ministries/Departments, Chief Secretaries of all the State Governments/Union Territory Administrations, Universities/Institutions, Central Boardof Secondary Education, All India Council of Technical Educationto constitute complaints committees and ensure that the guidelines are implemented.

• NCW has formulated a Code of Conduct for Work Place, putting down the Supreme Court's guidelines in a simple manner.The Commission has widely circulated this Code of Conduct to all State Commissions for women, Non-Governmental Organisations, the apex bodies of the Corporate Sector, Media, all Ministries and Departments, so that it percolate down to the lowest functionaries and is compiled with by all concerned.

• A Central Committee headed by Secretary, Department of Women and Child Development has been constituted in the Department of Women and Child Development to ensure that the complaints committees are constituted and the guidelines are implemented by all concerned.

• Central Civil Services (Conduct) Rules have been amended to include sexual harassment as a prohibited conduct.

• Amendments have been made to the Industrial Employment (Standing Orders) Act, 1946 so that sexual harassment of women at work place in the private sector could constitute an offence for which a workman is liable for disciplinary action.